

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOVON WINSTON COLLEY,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, *et al.*,

Respondents.

No. 1:25-cv-00082-CDB (HC)

ORDER ON PETITIONER'S MOTION FOR
STATUS UPDATE

ORDER EXTENDING TIME TO FILE AN
OPPOSITION TO RESPONDENTS' MOTION
TO DISMISS

(Doc. 10)

21-DAY DEADLINE

Petitioner Jovon Winston Colley (“Petitioner”), a federal detainee, proceeds pro se and *in forma pauperis* with a petition for writ of habeas corpus filed under 28 U.S.C. § 2241. (Doc. 1). On January 17, 2025, Petitioner filed the instant petition while in custody of the Immigration and Customs Enforcement (“ICE”) at the Golden State Annex, located in McFarland, California. (*Id.*). Petitioner is currently in the custody of ICE at the Golden State Annex. (*Id.*).

Following a preliminary review of the petition and finding that it is not clear from the face of the petition whether Petitioner is entitled to relief, on January 24, 2025, the Court ordered Respondents to file a response to Petitioner’s petition within 60 days of the date of service of the order. (Doc. 7). Respondents timely filed a motion to dismiss the petition on March 25, 2025. (Doc. 9).

Pending before the Court is Petitioner’s motion for status update, filed on April 7, 2025.

1 (Doc. 10). Petitioner represents that as of April 2, 2025, he has “not received a response from
2 Respondent nor this Court regarding” his pending habeas petition and he therefore requests “a status
3 update[.]” (*Id.*).

4 Given the procedural chronology of the relevant filings, the Court expects Petitioner in all
5 likelihood has received service of Respondents’ motion to dismiss by the time he receives service
6 of this order. *See* (Doc. 9 at 9) (Respondents’ certificate of service by mail of the motion to dismiss
7 at Petitioner’s last known address). In the event Petitioner has not received service of a copy of
8 Respondents’ motion to dismiss by the time he receives service of this order, Petitioner may file a
9 status report with the Court explaining the circumstances regarding the failure to receive a copy of
10 the motion.

11 Further, although Petitioner has not requested an extension of time to respond to
12 Respondents’ motion to dismiss, in light of the circumstances, the Court finds good cause to extend
13 Petitioner’s time to file an opposition to the motion to dismiss by 21 days from the date of service
14 of this order.

15 **Conclusion and Order**

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Petitioner’s motion for status update (Doc. 10) is GRANTED;
18 2. In the event Petitioner has not received service of a copy of Respondents’ motion to dismiss
19 from the date he receives service of this order, he is directed to file a status report explaining
20 the circumstances regarding the failure to receive a copy of the motion; and
21 3. Petitioner SHALL FILE within **21 days** from the date of service of this order any opposition
22 to Respondents’ motion to dismiss (Doc. 9).

23 IT IS SO ORDERED.

24 Dated: **April 10, 2025**


25 **UNITED STATES MAGISTRATE JUDGE**

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